

LATHAM, FRANK Leroy #68213
 Full Name/Prisoner Number

CLAYTON NMC Facility Also Known as NENMDF
185 Dr. Michael Jenkins CLAYTON NM 88415
 Complete Mailing Address U.S.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

on going Agsist same conizon Health care
And now facility service

Civil Action No. 16cv95 KG-SMV
 (To be supplied by the Court)

LATHAM FRANK Leroy #68213

FILED

Full name(s) and prisoner number(s)
 (Do not use *et al.*)

, Plaintiff(s)
 UNITED STATES DISTRICT COURT
 ALBUQUERQUE, NEW MEXICO

① Warden Hatch

FEB 8 2016 ML

② Warden Brown

MATTHEW J. DYKMAN
 , Defendant CLERK

③ Mayor, M.
 (Do not use *et al.*)

PRISONER'S CIVIL RIGHTS COMPLAINT

A. PARTIES AND JURISDICTION

1. LATHAM FRANK - L. is a citizen of USA, N.MEXICO who
 (Plaintiff) (State)

presently resides at NENMDF 185 DR MICHAEL Jenkins Rd CLAYTON NM
Warden Hatch ^(mailing address or place of confinement) 88415

2. Defendant Mayor, M. ALSO CONIZON is a citizen of NM ^{of} U.S.A
 (name of first defendant) ^{185 DR MICHAEL Jenkins Rd} (State)

whose address is CLAYTON NM 88415,

and who is employed as Warden's major's, Health care. At the time the claim(s)
 (title and place of employment) providers

alleged in this complaint arose, was this defendant acting under color of state law?
 Yes No. If your answer is "Yes," briefly explain:

prejudice AGAINST Handi-cap. It's my Belief
only (and) will no supply ramps for
OUT side Recreation OR on TO ALLOW Handi-caps
in a Wheelchair TO Have Recreation (and) on use THE RESTROOM

HATCH 185 DR Michael
 3. Defendant NEWMDF Jenkins is a citizen of CLAYTON NM
 (name of second defendant) (State)
 whose address is The Facility HATCH / Brown
 and who is employed as Warden's AT NEWMDF. At the time the claim(s)
 (title and place of employment)

alleged in this complaint arose, was this defendant acting under color of state law? AGAINST HAND-I-CAP

Yes No. If your answer is "Yes," briefly explain: INMATE WITH NO outside Recreation WITH NO accessibility TO Recreatio plate form And Restrooms AGAIN NO TABLES INCELL NO Ramps of any kind From Rec Area out side OR TO THE ONLY Restroom FOR ANYONE WITH OUT AT LEAST TWO OTHER INMATE TO Help

(If more space is needed to furnish the above information for additional defendants, continue on a blank sheet which you should label "A. PARTIES." Be sure to include each defendant's complete address and title.)

(CHECK ONE OR BOTH:)

Jurisdiction is asserted pursuant to 42 U.S.C. § 1983 (for state defendants) or *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971) and 28 U.S.C. § 1331 (for federal defendants).

Jurisdiction also is invoked pursuant to 28 U.S.C. § 1343(a)(3). (If you wish to assert jurisdiction under different or additional statutes, you may list them below.)

B. NATURE OF THE CASE

BRIEFLY state the background of your case. Thought every inmate THAT can walk can go out side WITH OUT Help we IN WHEELCHAIRS can not NO Ramps From Back door Leading out side also THERE IS A 13 IN HIGH SLABe of CEMENT THAT AGAIN WITH OUT WHICH were IN A PRISON THAT will E NO LONGER Supply me WITH A prison CARE TAKER IF i can WHEEL my self TO ANOTHER med. WERE THERE IS NO SLABe TO STOP me. ALSO every Table IN cells are NOT HAND-I-CAP AND CAN NOT Be C. CAUSE OF ACTION Reached TO Eat By THE HAND-I-CAP IN A WHEELCHAIR

I allege that the following of my constitutional rights, privileges, or immunities have been violated and that the following facts form the basis of my allegations: (If more space is needed to explain any allegation or to list additional supporting facts, continue on a blank sheet which you should label "D. CAUSE OF ACTION.")

Claim I: i as A HAND-I-CAP HAVE BEEN IN A WHEELCHAIR FOR A VERY LONG TIME. AND HAVE HAD my GUT SHAPE of problems Regarding other inmate who who can't STAND THAT AS HAND-I-CAP'S we get a little more things like Bigger cells and someone to Help with everyday life's LITTLE THINGS AND UPS AND DOWNS ALSO some Bulldogs go unpunished. For Bulldogging HAND-I-CAP Tables in main dining AREA-as i dd in HALL-E-104. ALSO not only HAVE i BEEN Bull dogged By inmate AND ALSO Beaten up BY same inmate for my canteen. i've Been made TO live WITH THE major montone known

Supporting Facts: (Include all facts you consider important, including names of persons involved, places, and dates. Describe exactly how each defendant is involved. State the facts clearly in your own words without citing legal authority or argument.)

Warden Hatch warden B. Warden Brown
Major M. For wanting me TO PUT MY LIFE IN danger
WITH THE causes Boy. And BEING LEFT TO CARE FOR MY
own BY TRYING TO GO TO Reception AREA WITH NO
ASSITANCE OR CARE-TAKED Because of COST OF
Claim II: The Help And cement THAT could HAVE BEEN PUT IN

Supporting Facts: KNOWING ABOUT IT Face To Face NOTIFICATION
ABOUT THE DRUGS AND THE Bulldogging NOT ONLY
WITH THE Hand-i-cap Fiscally DISABLE But THE mentally DISABLE
DRUG'S BEING Force up THEM. FOR THESE canteen
AND OR THOSE WHO HAVE money coming in AND THE major,
MENTAL-HEALTH HAVE BEEN TOLD ! Face To Face BY me
IF you put ANYTHING IN WRITING some HOW it gets
BACK TO THEM, WHEN security says THAT THE way
THEY Keep THE drug addicts FROM killing each other
WHAT ABOUT US, all im Fighting for IN each
case IS EQUAL TO THOSE WHO CAN WALK AND THOSE
WHO WISH TO BE IN A cell BLOCK THAT called God's pool
AND HAVE NO drugs IN A FAITH Based COMMUNITY
WHERE BIBLE SHOULD BE. THE ONLY drug THAT
IS PUSH. BUT major Montana, THE only major
I know. Knows AND wont PUT ANY kind of STOP TO IT
drug dealers HAVE BEEN NAMED By me. cell numbers given
and still THEN ALLOWED TO push THEIR drugs AND
Bully inmates THAT ARE HAND-i-cap I CAN AND
will ~~TESTIFY~~ TESTIFY AGAINST. FULL SECURITY
STAFF WHICH I've told. THE major. SGT'S L.T.'S
ALSO THE CHAPLAIN OF THE OVER
COMMUNITY BASE pool WHICH
IS under HIS control inmate

Also will show THAT THROUGH THE
PHONE WHICH IS LISTEN TO BY
S.T.I.U.

Hell ~~THEY~~ THEY'VE HAVE
CUT MY PHONE OFF FOR FIGHTING
WITH MY DADDY AND OR TELLING
THEM WHY WE'RE LOCKED DOWN

Claim III: _____

Supporting Facts:

D. PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF

1. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to the conditions of your imprisonment? Yes _____ No. If your answer is "Yes," describe each lawsuit. (If there is more than one lawsuit, describe the additional lawsuits using this same format on a blank sheet which you should label "E. PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF.")

- a. Parties to previous lawsuit:

STATE FACILITY

Plaintiff(s): LOS LOMAS CORRECTIONAL ALSO Grants N.MCF

Defendant(s): D.Warden pete prez, L.T. MARK Cwell
333 LOMAS BLVD. N.W.

- b. Name and location of court and docket number AIB N.n. 87102 - 1:15-cv-00242-mca-cg

- c. Disposition of lawsuit. (For example, was the case dismissed? Was it appealed?
Is it still pending?)

still pending

- d. Issues raised: _____

- e. Approximate date of filing lawsuit: 2014

- f. Approximate date of disposition: None

2. I previously have sought informal or formal relief from the appropriate administrative officials regarding the acts complained of in Part D. Yes _____ No.

If your answer is "Yes," briefly describe how relief was sought and the results.
I HAVE WRITER IN FORMAL COMPLAINT. BREWER. AND NOT EVEN A FUCK YOU

3. I have exhausted available administrative remedies. Yes _____ No. If your answer is "Yes," briefly explain the steps taken. Attach proof of exhaustion. If your answer is "No," briefly explain why administrative remedies were not exhausted.

E. PREVIOUSLY DISMISSED ACTIONS OR APPEALS

1. If you are proceeding under 28 U.S.C. § 1915, please list each civil action or appeal you have brought in a court of the United States while you were incarcerated or detained in any facility that was dismissed as frivolous, malicious, or for failure to state a claim upon which relief may be granted. Please describe each civil action or appeal. If there is more than one civil action or appeal, describe the additional civil actions or appeals using this same format on a blank sheet which you should label "F. PREVIOUSLY DISMISSED ACTIONS OR APPEALS."

- a. Parties to previous lawsuit:

Plaintiff(s): LATHAN FRANK L
 corrections BOTH
 Defendant(s): LOS LUNAS Grant's Connection STATE Facility

- b. Name and location of court and docket number District Court of AIB N.M.
333 LOMAS BLVD. N.W.

- c. Grounds for dismissal: frivolous malicious failure to state a claim upon which relief may be granted.
 endus on may 2015

- d. Approximate date of filing lawsuit: 2015

- e. Approximate date of disposition: Now

2. Are you in imminent danger of serious physical injury? Yes No. If your answer is "Yes," please describe the facts in detail below without citing legal authority or argument.

This facility has a gang that really wants me dead
 I worked with DeA. Metro Nastics, in Las Cruces

G. REQUEST FOR RELIEF

I request the following relief: The relief THAT I require HAS been given By THE UNITED STATES COURTS FOR GRANTS TO grant me relief from THE FACILITY BUT WAS DENIED BY A L.T. NOT THE STATE NOT THE WARDEN BUT THE SAME L.T. THAT PUT ME IN DANGER TO BEGIN WITH. HIM KNOWING MY past WITH THIS FACILITY SHOWS HE'LL PUT MY LIFE ~~at~~ IN DANGER ANYTHINCE HE CAN GET Hell i HAVE TO LIVE

5 IN SEGREGATION

Prisoner's Original Signature

Original signature of attorney (if any)

CORRECTIONAL SERVICES NETWORK OF
AMERICA C.S.N.A.

5440 SOUTH RAINBOW BLVD
LAS VEGAS NEVADA 89118

Attorney's full address and telephone

Jim Rae

DECLARATION UNDER PENALTY OF PERJURY

The undersigned declares under penalty of perjury that he/she is the plaintiff in the above action, that he/she has read the above complaint and that the information contained in the complaint is true and correct. 28 U.S.C. § 1746; 18 U.S.C. § 1621.

Executed at NEVADA CONNECTIONS on 2 2 16.
(location) (date)

Lee Cles
Prisoner's Original Signature

INFORMATION AND INSTRUCTIONS

FILING COMPLAINT UNDER 42 U.S.C. §1983

1) The attached form is to assist you in the preparation of a complaint seeking relief under the Civil Rights Act. In order for your complaint to be considered by the District Court, it must be typewritten or legibly handwritten. All questions must be answered clearly and concisely in the appropriate space on the form. If necessary, you may use up to two additional pages (8 1/2" x 11") to complete part "C" of the complaint, making clear to which count the continued information applies. If there is more than one defendant, you should clearly indicate which of the acts alleged is attributable to each defendant.

A. The Complaint

- 2) An original and one copy of the complaint must be provided for the court and one copy for each of the persons (defendants) you wish to sue. For example, if you name two defendants, you must file an original and three copies of the complaint. You should keep an additional copy of the complaint for your own records. All copies of the complaint must be identical to the original.
- 3) Your complaint must be signed and include a declaration under penalty of perjury. You are cautioned that any deliberate false statement of a material fact may serve as a basis for prosecution and conviction for perjury. You should therefore exercise care to assure that all answers are true, correct, and complete.
- 4) Under the Civil Rights Act, 42 U.S.C. §1983, the court can grant relief only for wrongs which amount to the denial of federal constitutional rights by a person acting under color of state law. Your complaint can be brought in this court only if one or more of the named defendants is located within this judicial district.
- 5) You must furnish an original and one copy of all papers, correspondence or other documents (except the original complaint which requires an original and two copies) submitted to the court for filing and consideration. In addition, you must furnish the opposing party or his attorney with a copy of all such documents submitted to the court. Each original document (except the original complaint) must include a certificate stating the date a copy of the document was mailed to the opposing party or his attorney and the address to which it was mailed.

A certificate of service may be in the following form:

"I hereby certify that a copy of the foregoing pleading/document was mailed to

MR HATCH warden
~~ATTACH MR or MRS UNKNOWN~~ Brown
NENMDP
at 185 DR. MICHAEL JENKINS
(Opposing party or counsel) Clayton N.M.
(Address)
on 2 2, 19. 2016
(Date)

(Signature)

B. The Filing Fee and 28 U.S.C. § 1915

- 6) On and after May 1, 2013, filing a civil complaint in the federal district courts will require a \$350 filing fee, plus a \$50 general administrative fee, for a total of \$400. If you want to commence an action without prepayment of fees or security therefor, you must file a motion for leave to proceed pursuant to 28 U.S.C. § 1915. Under § 1915, you also must submit an affidavit and a certified copy of your trust fund account statement (or institutional equivalent) for the six-month period immediately preceding the filing of the complaint. The certified copy of the trust fund account statement (or institutional equivalent) must be obtained from the appropriate official of each penal institution at which you are or were confined during the six-month period. The court will not consider the merits of the claims asserted in any complaint filed without either the \$400.00 filing fees or a properly completed motion, affidavit and certified copy of your trust fund account statement (or institutional equivalent) as required by § 1915.
- 7) The motion and affidavit for leave to proceed pursuant to 28 U.S.C. § 1915 must be typewritten or legibly handwritten. All questions must be answered clearly and concisely in the appropriate space on the form. You must sign the motion and affidavit. You should exercise care to assure that all answers are true, correct and complete.
- 8) If you are proceeding pursuant to 28 U.S.C. § 1915 and the motion, affidavit and certified copy of your trust fund account statement (or institutional equivalent) are in proper form, you will be ordered to pay within thirty days an initial partial filing fee in an amount to be determined by the court pursuant to § 1915(b)(1). The court will not review the merits of your complaint until the initial partial filing fee is paid. If you fail to pay the initial partial filing fee within thirty days or fail to show that you have no assets and no means by which to pay the initial partial filing fee, the complaint will be dismissed without prejudice. If the initial partial filing fee is paid within thirty days, the court will review the complaint pursuant to § 1915(e)(2)(B) to determine if it is frivolous or malicious, fails to state a claim on which relief may be granted, or seeks monetary relief against a defendant who is immune from such relief.
- 9) You are reminded that, even if you are allowed to proceed pursuant to 28 U.S.C. § 1915, you must pay the full filing fees as required by law, i.e., \$400.00. It is your responsibility to ensure that monthly payments are sent to the court as required by § 1915(b)(2) until the filing fee is paid in full. It is your responsibility to have the institution where you are confined forward the payments from your trust fund account to the clerk of the court each time the amount in your

account exceeds \$10.00. The complaint may be dismissed at any point if you fail to make the required monthly payments.

10) When your complaint is completed, it should be mailed with the necessary copies and filing fees, or motion to proceed pursuant to 28 U.S.C. § 1915 and financial certificate, to the Clerk of the United States District Court whose address is:

**U.S. District Court
333 Lomas Blvd. NW, Ste. 270
Albuquerque, NM 87102**

11) United States District Judges, United States Magistrate Judges, law clerks, the Clerk of Court, and deputy clerks are officers of the court and are prohibited from giving legal advice. Questions of this nature should be directed to an attorney.

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RECEIVED
At Albuquerque NM
FEB 08 2016
MATTHEW J. DYKMAN
Clerk

LATHAM FRANK (88415)
CLAYTON NM Facility
185 Dr. Michael Jenkins
CLAYTON NM 88415
L85

United States District Court
District of New Mexico
Suite 270 333 Lomas Blvd. N.W.
Albuquerque NM 87102

RECEIVED
At Albuquerque NM
FEB 08 2016
MATTHEW J. DYKMAN
Clerk

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mail

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